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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,748	04/05/2001	Timothy Y. Chow	TEL4597P0073US	8832

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EXAMINER	
PHILPOTT, JUSTIN M	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/826,748	**Applicant(s)** CHOW ET AL.	
	Examiner Justin M. Philpott	**Art Unit** 2665	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *17-21 and 23-28*.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-16,22 and 29-65*.
   Claim(s) withdrawn from consideration: *66 and 67*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

ALPUS H. HSU
PRIMARY EXAMINER

Continuation of 3. NOTE: Independent claims 1, 35 and 60 include additional limitations that would require further consideration and/or search .

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's argument regarding the new limitations in independent claims 1, 35 and 60, and applicant's argument regarding the limitations recited in dependent claims 15, 16, 22, 29, 39, 41, 57 and 58 are not persuasive since the prior art teaches the limitations as discussed in the previous office action, and repeated herein.

That is, regarding claim 15, Finn teaches removing from the list of candidate cycles any redundant cycles (e.g., see col. 36, lines 18-23 regarding condition 2);
regarding claim 16, Finn teaches removing any cycles containing more than a predetermined maximum number of locations in the cycle sequence (e.g., see col. 27. lines 60-67 regarding maximum number of nodes on a path, inherently restricting or removing cycles which exceed this limit; also, see col. 20, lines 61-63 regarding deciding whether all nodes which should be included are in the cycle);
regarding claim 22, Finn teaches grooming the traffic demand assigned to the available signal carrying connections of the one or more cycles (e.g., see col. 17, lines 10-24) so as to minimize the amount of network traffic management equipment required for routing the traffic demand (e.g., see col. 17, lines 31-40 regarding such transmission being accomplished in an existing network using broadcasts, multicasts or point-to-point transmission techniques);
regarding claim 29, Finn teaches grooming network traffic originating from a common source location and being delivered to a common destination location onto the same signal carrying connection (e.g., see col. 17, lines 54-67 regarding source and destination; see also col. 16, line 30 – col. 17, line 9 regarding a single central site as a common source and one or more predetermined network sites as a common destination);
regarding claims 39 and 58, Finn teaches the method discussed above regarding claims 35 and 57 and further, teaches representing the nodes and links as a graph (e.g., graphs, see col. 18, line 54 – col. 43, line 44) having edges (e.g., edges E, see col. 19, lines 1-3). However, Finn may not specifically disclose weighting the edges to correspond to the numbers of fibers in respective links. However, Examiner takes official notice that it is well known in the art of optical communications to weight edges corresponding to the number of fibers. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to weight the edges in the optical communications system of Finn to correspond to a number of fibers in respective links since it is well known in the art of optical communications to weight edges corresponding to the number of fibers;
regarding claim 41, Finn teaches a pre-stored minimal length criterion is applied to the rings (e.g., see col. 22, lines 34-45 regarding preselected criteria; also see col. 22, lines 6-9 regarding selection of nodes) and wherein a set of minimum length rings (e.g., see col. 20, lines 5-13 regarding k) is selected and stored (e.g., inherently stored in at least network node 12a or central site, see col. 16, lines 30-35); and
regarding claim 57, as discussed above regarding claims 1 and 35, Finn teaches a system comprising: a processor of executable instructions (e.g., see col. 16, lines 35-65); an input device (e.g., inherently at each node), coupled to the processor (e.g., within node, see col. 16, lines 36-41), for receiving specifying characteristics of a communication system (e.g., see col. 17, lines 10-24); a first plurality of executable instructions, coupled to the processor, for forming a plurality of connected rings wherein at least some of the rings share a common pair of nodes (e.g., see col. 16, lines 12-21 regarding pre-computed paths and dynamic paths); a second plurality of executable instructions wherein a minimum length set of rings, in accordance with a selected length criterion, is selected (e.g., see col. 29, lines 20-50 regarding selecting a minimum number of connections); a third plurality of executable instructions for allocating traffic on the rings in accordance with at least one traffic matrix (e.g., process step 25 regarding capacity pre-planning and load balancing, see col. 17, lines 41-53); and an output device (e.g., each of nodes 12a-e, see FIG. 1) for communicating to a user (e.g., at respective other nodes 12a-e) the selected set of rings and the traffic allocated on the rings (e.g., see col. 34, lines 41-50 regarding generating two directed graphs comprising selected cycles; and see col. 15, line 14 – col. 16, line 35 and specifically col. 16, lines 30-35 regarding transmission of the topologies to each of the network nodes).
Accordingly, applicant's argument that the prior art fails to teach the limitations in the above-mentioned claims is not persuasive.